IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1684 OF 2005

IN

SUIT NO.2229 OF 2004

Pradeep N. Anani. ...Plaintiff

vs.

1. Vishni Lalchand Rajusth & others. ...Defendants

and

1. Dinesh Sawla & another. ...Respondents.

Mr.R.D'Souza i/b. Ms.Rita Abraham, for Plaintiff.

Mr.Sipahimalani i/b. V.T.Sipahimalani & Co., for Defendant no.1.

CORAM: D.K.DESHMUKH,J.

DATED: 16th November,2006..

P.C.:-

1. This is a notice of motion taken out by the original plaintiff alleging that the defendants have breached the order dated 16.6.2005 passed by this Court in Notice of Motion no.2206 of 2004. According to

the plaintiff, the defendants have parted with possession of the suit property. According to the plaintiff, the defendants have given possession of the flat to respondent nos. 1 and 2. The defendant no.1 has also filed affidavit in reply. According to him, the respondent no.1 is a non existent person. He does not know anybody by that name. So far as respondent no.2 is concerned, according to the defendant no.1, he is a family friend and he used to visit defendant no.1. Defendant no.1 categorically denies that he has handed over possession of the suit flat to respondent no.2. In view of the categorical denial of defendant no.1, no interim order can be passed in this notice of motion. The notice of motion is disposed of.